

CALL ADDITION

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicátion Inventor(s): SC/Serial No.: Filed: Title: SPINE DIST		James F. Zucherman, et al. 08/958,281 October 27, 1997 RACTION IMPLANT AND METHOD	) ) ) ) ) )	PATENTAFFLICATION
	February 27. 1	certify that this correspondence is being deposited in the se mail in an envelope addressed to Assistant Commission 998.  Eyer, Reg. No. 27,660 E: February 27, 1998		

# INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.

- X Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- A copy of each cited document as required by 37 C.F.R. §1.98. Copies are not submitted of U.S. applications, 37 C.F.R. §1.98(a)(2)(iii), and copies are not submitted of documents already cited or submitted in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevancy is provided pursuant to 37 C.F.R. §1.98(a)(3). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. 57 F.R. 2021 (1/17/92). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement. 37 C.F.R. §1.98(c).



<b>X</b> _	This statement	qualifies under 37 C.F.	R. §1.97, subsection (b) because:
	(1)	It is being filed within	3 months of the application filing date;
	(2)		3 months of entry of a national stage;
	(3)	_	the mailing date of the first Office action on
	whichever	occurs last.	
		y not qualify under sub subsection (c) because:	section (b), this statement qualifies under 37
	(1)		the mailing date of a FINAL Office Action and owance (whichever occurs first)
		AND (check	at least one of the following)
	(1)	It is accompanied by OR	the \$230 fee set forth in 37 C.F.R. §1.17(p)
	(2)		a CERTIFICATION as set forth in 37 C.F.R.
		y not qualify under subs 97, <u>subsection (d)</u> beca	ection (b) or (c), this statement qualifies under
. •	(1)	§1.97(e);	y a CERTIFICATION as set forth in 37 C.F.R.
	(2)	DISCLOSURE STATE	by a PETITION TO ACCEPT INFORMATION EMENT UNDER 37 C.F.R. §1.97(d);
	(3)	AND It is accompanied by	 the \$130 fee set forth in 37 C.F.R. §1.17(i)(1);
	(4)	AND	<del></del>
_X	Fee Authorizat	tion. The Commissione nal fees or credit any over	r is hereby authorized to charge underpayment erpayment associated with this communication duplicate copy of this authorization is enclosed.
	·		Respectfully submitted,
			FLIESLER, DUBB, MEYER & LOVEJOY LLP
Da	ite: <u>February</u>	<u>27. 1998</u> By:	124
0	rto. I Ebiudiy	<u> </u>	Sheldon R. Meyer Reg. No. 27,660

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application
Inventor(s):
CC/Corial No :

James F. Zucherman, et al.

SC/Serial No.: Filed:

09/179,570

Title:

October 27, 1998 SPINE DISTRACTION IMPLANT PATENT APPLICATION

Art Unit: 3731

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient on Assistant Commissioner for Patents, Washington, D.C. 20231, on postage as first class mail in an envel

January 26, 1999.

Sheldon R. Meyer, Reg. No. 27,660

Signature Date: January 26, 1999

(Attorney Signature)

# SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

**Assistant Commissioner for Patents** Washington, D.C. 20231

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		y not qualify under subsection (b), this statement qualifies under 37 subsection (c) because:
	(1)	It is being filed before the mailing date of a FINAL Office Action and before a Notice of Allowance (whichever occurs first)
		AND (check at least one of the following)
	(1)	It is accompanied by the \$240 fee set forth in 37 C.F.R. §1.17(p) OR
	(2)	It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e)
<del>-</del>		y not qualify under subsection (b) or (c), this statement qualifies under 17, subsection (d) because:
	(1)	It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);
	(2)	AND It is accompanied by a PETITION TO ACCEPT INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(d);
	(3)	AND It is accompanied by the \$130 fee set forth in 37 C.F.R. §1.17(i)(1); AND
	(4)	The Issue Fee has not yet been paid.
_X_	of any addition	ion. The Commissioner is hereby authorized to charge underpayment al fees or credit any overpayment associated with this communication ount No. 06-1325. A duplicate copy of this authorization is enclosed.
		Respectfully submitted,
	•	FLIESLER, DUBB, MEYER & LOVEJOY LLP
Date	e: January 26	
		Sheldon R. Meyer Reg. No. 27,660



In re Application		) PATENT APPLICATION
Inventor(s):	James F. Zucherman, et al.	)
SC/Serial No.:	09/179,570	) Art Unit: 3731

Filed: October 27, 1998
Title: SPINE DISTRACTION IMPLANT

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I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on Industry 6, 1000

<u>January 6, 1999.</u>

Sheldon B. Meyer, Reg. No. 27,660

Signature Date: January 6, 1999

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Assistant Commissioner for Patents Washington, D.C. 20231

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<u>X</u>	of any addition	tion. The Commissioner is hereby authorized to charge underpayment all fees or credit any overpayment associated with this communication count No. 06-1325. A duplicate copy of this authorization is enclosed.
		Respectfully submitted,
		FLIESLER, DUBB, MEYER & LOVEJOY LLP
Dod	in longery C	1000 Bu
Dat	e:January 6,	1999 By:



Art Unit: 3731

In re Application

James F. Zucherman, et al.

Inventor(s): SC/Serial No.:

09/179,570

Filed: Title:

October 27, 1998

SPINE DISTRACTION IMPLANT

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on

January 4, 1999.

Sheldon R. Meyer, Reg. No. 27,660

(Attorney Signature)

Signature Date: January 4, 1999

### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

**Assistant Commissioner for Patents** Washington, D.C. 20231

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-			
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	whicheve	r occurs last.	
	Although it ma C.F.R. §1.97,	y not qualify under su subsection (c) becaus	ubsection (b), this statement qualifies under 37 se:
	(1)	It is being filed before a Notice of A	re the mailing date of a FINAL Office Action and Allowance (whichever occurs first)
		AND (chec	k at least one of the following)
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	(1)	§1.97(e);	by a STATEMENT as set forth in 37 C.F.R.
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<u>X</u>	of any addition	al fees or credit any ov	er is hereby authorized to charge underpayment verpayment associated with this communication duplicate copy of this authorization is enclosed.
			Respectfully submitted,
			FLIESLER, DUBB, MEYER & LOVEJOY LLP
Date	e:January 4,	<u>1999</u> Ву:	Sheldon R. Meyer
			Reg. No. 27,660

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicati Inventor(s): SC/Serial No.: Filed: Title:	James F. Zucherman, et al.	) PATENT APPLICATION ) ) Art Unit: 3731	
postage as	CERTIFICATE OF MAILING UNDER 37 I hereby certify that this pofrespondence is being deposited in a privelope add/ested to Assistant Commis-	the United States Postal Service with sufficier	nt in

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.56

(Attorney Signature)

Assistant Commissioner for Patents Washington, D.C. 20231

Sheldon B. Meyer, Reg. No. 27,660 Signature Date: March 3, 1999

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_X	of any additio	ntion: The Commissioner is hereby authorized to charge underpayment nal fees or credit any overpayment associated with this communication count No. 06-1325. A duplicate copy of this authorization is enclosed.
	:	Respectfully submitted,
		FLIESLER, DUBB, MEYER & LOVEJOY LLP
Da	ate: <u>March 3,</u>	1999 By:
-		Sheldon R. Meyer Reg. No. 27,660

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application	1	) PATENT APPLICATION
Inventor(s):	James F. Zucherman	;
	Ken Y. Hsu	)
	Charles J. Winslow	)
	Henry A. Klyce	)
	•	)
SC/Serial No.:	09/179,570	)
		)
Filed:	October 27, 1998	)
		)
Title: S	SPINE DISTRACTION IMPLANT	)
		)
July 12,  Sheldon F	R. Meyer, Reg. No. 27,660	In the United States Postal Service with sufficient
Signature	Pate: July 18, 1999	

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105.004:120197 07/13/99-13:56 a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. 57 F.R. 2021 (1/17/92). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement. 37 C.F.R. §1.98(c).

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Respectfully submitted,

FLIESLER, DUBB, MEYER & LOVEJOY LLP

Date: July 13, 1999

By:

Sheldon R. Meyer Reg. No. 27,660